

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 8.5 Consumer Products

Article 5. Hairspray Credit Program

§ 94567. Allowable Uses of Hairspray Emission Reduction Credits.

Except as provided in subsections (f), (g), and (h) of this section, HERCs may be used as follows upon approval by the Executive Officer:

(a) A responsible party for a consumer product regulated by the Air Resources Board pursuant to sections 94500- 94528, Title 17, California Code of Regulations who is also a HERC Account holder may use HERCs to obtain additional time (i.e., a delayed compliance period) for a product to comply with an applicable VOC standard set forth in sections 94502, 94509 or 94522, Title 17, California Code of Regulations, provided the product has been manufactured for sale in California for at least 12 months before the submittal of an application in accordance with section 94568. During a delayed compliance period, the responsible party must comply with the following:

(1) the specified VOC content for the product reported in the HERC use application, and approved by the Executive Officer, instead of the applicable VOC standard specified in sections 94502, 94509, 94522, Title 17, California Code of Regulations, and

(2) except as provided in paragraph (1) of this subsection (a), with all other applicable requirements specified in sections 94500-94528, Title 17, California Code of Regulations.

(b) In accordance with section 94514(h), Title 17, California Code of Regulations, a responsible party for a hairspray product who is also a HERC Account holder may use HERCs to mitigate excess emissions that result from the granting of a variance.

(c) In accordance with sections 94543(a)(7)(J) and 94548, Title 17, California Code of Regulations, a “responsible ACP party” who is also a HERC Account holder may use HERCs to reconcile any shortfalls occurring in a compliance period for an Alternative Control Plan.

(d) Any person who is a HERC Account holder may retire HERCs to provide an environmental benefit.

(e) For purposes of this article, high volatility organic compounds (HVOCs) and medium volatility organic compounds (MVOCs) in antiperspirants and deodorants shall be treated the same as other VOCs for HERC use.

(f) The use of HERCs shall not result in any greater emissions of toxic air contaminants, as defined per Health and Safety Code section 39657(b), than would otherwise have occurred if HERCs were not used.

(g) All outstanding HERCs shall expire on January 1, 2010, after which HERCs may no longer be used.

(h) On or before December 31, 2002, the Executive Officer shall determine whether the Hairspray Credit Program has demonstrated an environmental benefit. For the purposes of this article, the Hairspray Credit Program has demonstrated an environmental benefit if, during the time period from the start of the program until December 31, 2002, the total amount of HERCs generated under the program is five percent greater than the total amount of HERCs used. If the Executive Officer determines that the Hairspray Credit Program has not demonstrated an environmental benefit by December 31, 2002, then all HERCs will be discounted by an amount of five percent upon use.

NOTE: Authority cited: Sections 39600, 39601 and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 40000 and 41712, Health and Safety Code.

REFERENCE